

trim the outlet end of the upper tubular portion to increase fluid flow. A marked-up version of the amended claims is enclosed. Consideration of these amended claims is respectfully requested. No new matter has been added by virtue of this amendment.

Based upon Galetschky (U.S. 1,813,285), the Examiner rejected claims 1-5, 7-10, and 12-13 under 35 U.S.C. section 102. Galetschky discloses a soda straw attachment having a ball valve with an outwardly tapering upper portion (Galetschky, Fig. 3; Col. 1, ll:52-55) that a straw can insert into. The valve chamber of Galetschky is conical with an inlet end valve seat having a uniform diameter throughout. (Galetschky, Fig. 3; Col. 1, ll:42-47).

Because Galetschky does not disclose many of the elements and limitations claimed in applicant's claims, it is believed that the Examiner has mistakenly found anticipation by Galetschky. Applicant's claim 1(b) requires the apparatus to have "an upper tubular portion that has an outside diameter that is tapered so that it can be inserted into a liquid delivery tube". The requirements of the upper tubular portion recited in claim 1 are reiterated in claim 10. This is a critical feature of the present invention because such tapered configuration increases the functionality of the invention by allowing it to be used with a variety of different sized liquid delivery tubes as described on page 7 of the application.

Applicant's claim 9 also requires the upper tubular portion to be insertable into the bottom of a liquid delivery tube. Galetschky does not disclose tapering that allows its upper tubular portion to be inserted into a liquid delivery tube. In contrast, the upper tubular portion of Galetschky is tapered such that a liquid delivery tube fits into it. Galetschky further fails to disclose the inward tapering of the inside diameter of the upper tubular portion claimed by applicant's claim 7.

Figure 3 of Galetschky shows only outwardly tapering of the inside diameter of the upper tubular portion. Because the upper tubular portion of Galetschky flares outward, it cannot be trimmed to increase fluid flow rate as required by applicant's amended claim 8. Trimming the upper tubular portion of Galetschky would, at most, only be likely to decrease fluid flow or have no affect at all as the liquid deliver tube that inserts into the upper tubular portion of Galetschky determines the diameter and fluid flow rate. For these reasons, it is believed that Galetschky not only does not anticipate claims 1 and 7-10 but in view of the specific limitations of such claims, which differ from Galetschky's teachings, it is believed that these claims are also nonobvious over such teachings, and claims 1 and 7-10 are, therefore, in condition for allowance. Claims 2-9 and 12-13 are dependent claims and it is believed the amendment to claim 1 will result in allowance of claims 2-9 and 12-13 as well.

Applicant's claims 5 and 10 further differ from Galetschky by requiring that the inlet end valve seat side walls taper inwardly. Galetschky, in contrast to such limitations, has a valve seat (2) with sidewalls (3) that have a uniform diameter throughout. (Galetschky, Fig. 3; Col. 1, ll:42-47). The tapering of the valve sidewalls of the present invention has the stated advantages of preventing leak back and preventing the ball from sticking in the valve seat. (Application, Pg. 9, ¶ 2). For this reason, it is believed that Galetschky does not anticipate or make obvious claims 5 and 10 and claims 5 and 10 are, therefore, in condition for allowance.

The Examiner rejected claims 6 and 11 under 35 U.S.C. section 103(a) as being unpatentable over Galetschky. Claims 6 and 11 specify the taper angles for the inlet end valve seat. The specified taper angles have the stated advantages of preventing leak back and preventing the ball from sticking in the valve seat. (Application, Pg. 9, ¶ 2). Galetschky does not disclose any taper angle, but instead states that the valve seat sidewalls (3) have a uniform

diameter throughout. (Galetschky, Fig. 3; Col. 1, ll:42-47). Looking at Figure 3 of Galetschky it can be seen that any angle shown by Galetschky is a 90° angle and not a tapering or a tapering at the angles specified in claims 6 and 11. For this reason, it is believed that amended claims 6 and 11 are patentable over Galetschky, and are, therefore, in condition for allowance.

The Applicant respectfully requests these claims and the application as a whole be reconsidered and suggests that the application is now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number No. 50-3021 belonging to Brown Winick Law Firm.

Respectfully submitted,

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